



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,139	10/19/1999	HUGH WILLIAMS ADAMS JR	YO996-244X	3708

7590 07/17/2002

ANN VACHON DOUGHERTY ESQ
3173 CEDAR ROAD
YORKTOWN HEIGHTS, NY 10598

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

7

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,139

Applicant(s)

WILLIAMS ADAMS JR ET AL

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 16-19, 21-23, 31-36, 38, 39 and 44-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2175

Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Each of the independent claims 1, 7, 21 and 31 have been mended to recite a “dynamic generation” of lesson content. This feature does not appear to exist in the disclosure as originally filed. In addition, the original disclosure does not anywhere include the word “dynamic” or “dynamically”.

Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of independent claims 1, 7, 21 and 31, the word “dynamic” is indefinite. While the word “dynamic” is itself known, the interpretation and meaning of this word within the context of the invention is unknown, particularly since this word does not appear in the original disclosure.

Additionally, in claim 51, it is not clear what is meant by the phrase “text power set”.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Mostow et al. (U.S. Patent 5,920,838).

Claim 1: FIG. 1 of Mostow et al. discloses user input means (headset 14) which include an audio input means (microphone) and speech recognition means (20). A user interface (12) includes audio output means (headphones on headset 14). A program controller means (22) exists to control the application of a lesson. The system further includes a plurality of distinct databases, collectively referred to as a knowledge base (24). One such set of databases are lesson databases which provides the stories which the student is intended to read (stories, novels and libraries recited at col. 5, line 26). Another such set of databases are the lesson based speech interpretation databases (sets of text segments recited at col. 5, lines 26-30, and pronunciation database recited at col. 8, lines 45-50).

Claim 2: Col. 5, line 27 recites a database of text segments which include word fragments. Such fragments can constitute incorrect responses.

Claim 3: Column 8, line 45 recites a database which includes a lexicon of word pronunciations, which read as a set of correct student responses.

Claim 4: The sound effects recited at col. 5, lines 32-33) read as acoustical information.

Claim 5: The acoustical information relates to the speech processing system.

Art Unit: 2175

Claim 6: The computer (12) includes a monitor which serves as a visual output means.

Claim 7: See remarks for claim 1. In addition, the system of Mostow et al. includes a lesson storage database for storing the lesson and the output produced by the student (col. 6, lines 35-44).

Claim 8: The visual output means is the monitor at computer (12). The controller (22) can recall data from the lesson storage database (26) and display this information on the output means.

Claim 9: Column 8, lines 53-54 suggests that the data for a lesson may be imported from a “pre-existing” source. Such a source would necessarily be another computer system from which the data is imported.

Claim 11: The controller (22) monitors the student’s progress using a quality control module (col. 9, lines 11-13).

Claim 12: Student progress information is stored at database (26), after it is generated by interaction between the controller (22) and the student.

Claim 13: The controller (22) can alter the level of interaction (col. 4, lines 56-65).

Claim 14: The headset (14) generates audio output.

Claim 16: See remarks for claim 11.

Claim 17: See remarks for claim 12.

Claim 18: See remarks for claim 13.

Claim 19: See remarks for claim 14.

Claim 21: See remarks for claims 1, 2, 3, 4.

Claim 22: Database (26) is a lesson storage database.

Claim 23: The controller (22) monitors student progress using the quality control module (33) and can alter the level of interaction (col. 4, lines 56-65).

Claim 31: See remarks for claim 1.

Claim 32: Information about the student level and student responses can be retrieved from the lesson storage database (26) and can be used to decide which lessons to present (col. 6, lines 35-44).

Claim 33: See remarks for claim 11.

Claim 34: See remarks for claim 12.

Claim 35: See remarks for claim 13.

Claim 36: See remarks for claim 14.

Claim 38: See remarks for claim 7.

Claim 39: See remarks for claim 8.

Claim 44: The database (26) containing stored student responses defines a reading level database.

Claim 45: The system may include a database of story text (col. 5, line 26).

Claim 46: The system may include a database of story pages (col. 5, line 26).

Claim 47: Any database defined in the system of Mostow et al. reads as a session database.

Claim 48: The system allows for replay (The “Back” function, col. 3, line 20).

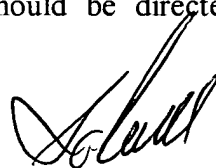
Claim 49: Any point in the lesson which is started by the controller may be read as the claimed starting point.

Art Unit: 2175

Claim 50: A database providing audio output (col 5, lines 32-33) may be used to generate audio output.

Claim 51: Any text database within the system of Mostow et al. reads as a "text power set" database.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175